

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF11 MASTER PARTICIPATION
TRUST

Plaintiff

v.

JOYCE A. BERRY AND STEPHEN V.
BERRY

Defendants

RBS CITIZENS, NA FKA CHARTER ONE
BANK

Party-In-Interest

2:19-cv-00327-JDL

CONSENT JUDGMENT OF FORECLOSURE AND SALE

Address: 11 Park Street, Lisbon, ME 04250
Mortgage: August 4, 2003, Book: 5562, Page:49

Now comes the Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF11 Master Participation Trust, the Defendants, Joyce A. Berry and Stephen V. Berry and hereby submit this Consent Judgment of Foreclosure and Sale and description reformation. Count III of the complaint which was incorrectly identified in the complaint as Count VI-Equitable Mortgage is hereby **DISMISSED** without prejudiced at the request of Plaintiff.

JUDGMENT on Count I - Foreclosure is hereby **ENTERED** as follows:

1. If the Defendants or their heirs or assigns pay U.S. Bank Trust, N.A., as Trustee for LSF11 Master Participation Trust ("U.S. Bank") the amount adjudged due and owing (\$119,223.68) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A § 6322, U.S. Bank shall forthwith

discharge the Mortgage and file a dismissal of this action on the ECF Docket. The following is a breakdown of the amount due and owing:

Description	Amount
Unpaid Principal Balance	\$82,479.23
Interest	\$15,946.76
Late Charges	\$845.68
Escrow Advances	\$19,952.01
Grand Total	\$119,223.68

2. If the Defendants or their heirs or assigns do not pay U.S. Bank the amount adjudged due and owing (\$119,223.68) within 90 days of the judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, their remaining rights to possession of the Lisbon Property shall terminate, U.S. Bank shall conduct a public sale of the Lisbon Property in accordance with 14 M.R.S.A. § 6323, disbursing the proceeds first to itself in the amount of \$119,223.68 after deducting the expenses of the sale, with any surplus to be disbursed pursuant to Paragraph 5 of this Judgment, and in accordance with 14 M.R.S.A. § 6324. U.S. Bank may not seek a deficiency judgment against the Defendants pursuant to the Defendant's discharge in bankruptcy.
3. Pursuant to 14 M.R.S.A. § 2401(3)(F), the Clerk shall sign a certification after the appeal period has expired, certifying that the applicable period has expired without action or that the final judgment has been entered following appeal.
4. The amount due and owing is \$119,223.68.
5. The priority of interests is as follows:
 - U.S. Bank Trust, N.A., as Trustee for LSF11 Master Participation Trust has first priority, in the amount of \$119,223.68, pursuant to the subject Note and Mortgage.
 - RBS Citizens Bank FKA Charter One Bank who has been defaulted.

- Joyce A. Berry and Stephen V. Berry, who have been defaulted.

6. Entry of the Judgment also reforms the property description as found in the subject Mortgage to reflect the correct property description as attached hereto, as Exhibits A and B.
7. The prejudgment interest rate is 4.62500%, *see* 14 M.R.S.A. § 1602-B, and the post-judgment interest rate is 8.59%, *see* 14 M.R.S.A. §1602-C.
8. The following information is included in this Judgment pursuant to 14 M.R.S.A. § 2401(3):

	PARTIES	COUNSEL
PLAINTIFF	U.S. Bank Trust, N.A., as Trustee for LSF11 Master Participation Trust	John A. Doonan, Esq. Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center Suite 225D Beverly, MA 01915
DEFENDANT	Joyce A. Berry 34 Ridgeway Avenue Sanford, ME 04073	Defaulted
	Stephen V. Berry 124 Main Street Whitefield, ME 04353	Defaulted
PARTIES-IN-INTEREST	RBS Citizens Bank NA FKA Charter One Bank c/o Corporation Service Company, 45 Memorial Circle Augusta, ME 04330	Defaulted

- a) The docket number of this case is No. 2:19-cv-00327-JDL.

- b) All parties to these proceedings received notice of the proceedings in accordance with the applicable provisions of the Federal Rules of Civil Procedure.
- c) A description of the real estate involved, 11 Park Street, Lisbon, ME 04250, is set forth in Exhibit A to the Judgment herein.
- d) The street address of the real estate involved is 11 Park Street, Lisbon, ME 04250.

The Mortgage was executed by the Defendants on August 4, 2003. The book and page number of the Mortgage in the Androscoggin County Registry of Deeds is Book 5562, Page 49.
- e) This judgment shall not create any personal liability on the part of the Defendants but shall act solely as an in rem judgment against the property, 11 Park Street, Lisbon, ME 04250.

Dated: March 31, 2020

/s/ John A. Doonan, Esq.
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Dated: March 28, 2020

/s/ Joyce A. Berry
Joyce A. Berry
34 Ridgeway Avenue
Sanford, ME 04073

Dated: March 28, 2020

/s/ Stephen V. Berry
Stephen V. Berry
124 Main Street
Whitefield, ME 04353

SO ORDERED.

Dated: May 1, 2020

/s/ Jon D. Levy
CHIEF U.S. DISTRICT JUDGE